

C. Remarks

Claim 12 is the only pending claim in the subject application. This claim has been amended to resolve section 112 issues and to better define the present invention by further specifying the structure of the luminescent device. Support for this amendment may be found, inter alia, throughout the specification, for example at page 32, line 10 - page 33, line 2. The specification has been amended to correct typographical and grammatical errors. No new matter has been added. Reconsideration of claim 12 is respectfully requested.

Claim 12 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with a written description requirement. Since Applicants have amended claim 12 to specify that the number of carbons in the alkyl and alkoxy groups is from 1 to 20, limited the halogen substituent to fluorine and specified that one $-CH=$ in one or both pyridine rings is optionally replaced with $-N=$, this rejection should be withdrawn.

Claim 12 stands rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Since Applicants have amended claim 12 to clarify that in parts (i) and (ii) all listed groups can be substituted and to clarify that one $-CH=$ in one or both pyridine rings is optionally replaced with $-N=$, this rejection should be withdrawn.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being allegedly obvious from Maestri et al., "Photochemistry and Luminescence of Cyclometallated Complexes", pp. 1-68 in Advances in Photochemistry, Volume 17 (1992) (Maestri). Claim 12 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2002/0034656 A1 (Thompson). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly review some of the features of the presently claimed invention. The presently claimed invention is directed to a luminescent device characterized by a combination of a specific luminescent layer with an organic layer. Thus, the presently claimed device has two different organic layers between its electrodes.

Maestri discloses a substituted Pt coordination compound comparable to the presently claimed compound of formula (1). Also, Maestri discloses that various Pt coordination compounds exhibit luminescence in a rigid matrix at 77K. However, Maestri fails to disclose or suggest a specific structure of the luminescent device as presently claimed, much less a combination of its Pt coordination compound with another organic compound. The rigid matrix of Maestri is used solely for evaluating luminescent characteristics of various Pt coordination compounds. Furthermore, Maestri fails to disclose or suggest that it is preferable to substitute the coordination compounds as presently claimed. Therefore, it is clear that Maestri cannot affect the patentability of the presently claimed invention.

Thompson discloses a luminescent device with various Pt coordination compounds similar to formulas (1) and (2) of the presently claimed device. However, these various coordination compounds in Thompson are not substituted.

The Examiner has alleged that one of ordinary skill in the art, considering Thompson's teaching as a whole, would be motivated to substitute its Pt coordination compounds and reasonably expect them to be suitable for a luminescent device.

Applicants respectfully disagree.

Thompson discloses a large number of possible metal coordination compounds, with Ir(ppy)₃ shown as being possibly substituted. However, this substitution is not in itself a suggestion to those skilled in the art that various Pt coordination compounds of the presently claimed device should be substituted. In fact, Applicants respectfully submit that Thompson teaches away from substituting Pt coordination compounds.

As mentioned above, none of the Pt coordination compounds in Thomson are substituted. Substituting metal coordination compounds changes their properties. The fact that, for example, Ir(ppy)₃ may be substituted with an alkyl group and still be suitable for use in a luminescent device does not mean that Pt compounds of the presently claimed invention, which are substantially different from the exemplified substituted Ir coordination compounds in Thompson, would be suitable. Platinum, for example, has a difference valence than iridium and, consequently, has a different number of ligands.

Applicants do not claim to have invented a substituted metal coordination compound. Claim 12 is directed to a luminescent device with two different organic layers, one of which can be a specific Pt coordination compound, which is substituted. A substituted Ir coordination compound is not a sufficient motivation for a skilled artisan to modify a Pt coordination compound in the context of the present invention. In fact, since Thompson teaches substituting only its Ir complexes for use in a luminescent device suggests that Pt coordination compounds should not be substituted.

Applicants respectfully submit that there is no suggestion or motivation for modifying Pt coordination compounds in Thomson, and the Examiner's rejections is, in

fact, based on impermissible hindsight reasoning. The disclosure in Thompson, viewed in its entirety, at most teaches that Ir coordination compounds may be substituted.

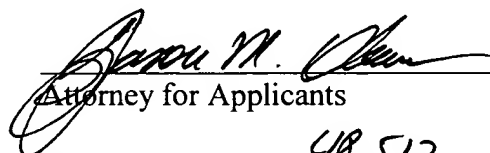
Absent the requisite suggestion or motivation, a prima facie case of obviousness cannot be made. Therefore, clearly, the presently claimed invention is patentable over Thompson.

This Amendment After Final Rejection should be entered, because it places the case in allowable form. Alternatively, it places the case in better form for possible appeal.

Wherefore, withdrawal of the outstanding rejections and passage to issue of the subject application are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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